

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: * **CASE NO.: 12-01863-MCF**
*
CARLOS ALBERTO GONZALEZ RIVERA *
*
DEBTOR * **CHAPTER 13**

*** MOTION TO AMEND PLAN ***
(POST CONFIRMATION)

TO THE HONORABLE COURT:

Comes now debtor represented by the undersigned attorney and set forth follows:

1. On December 6, 2012 this Honorable Court enter dated October 23, 2012. That plan proposed (5) five periodic payments of \$8,000.00 each every April 30, 2014.

2. Debtor's agricultural operation was not enough to produce the \$8,000.00 proposed to be paid on April 30, 2013. In order to comply with the chapter 13 plan payments, attach is an amended plan dated July 8, 2013 which prorates the 2013 payment within the next four years; the amended plan proposes (4) four payments of \$10,000.00 each incomes to come from the sale of citrus.

WHEREFORE, debtor pray this Honorable Court allow and confirm the amended plan dated July 8, 2013.

*** NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST ***

Notice is hereby given that today debtors filed with the Clerk of the Court the attached amended Chapter 13 Plan.

(21) TWENTY DAYS NOTICE AND CERTIFICATE OF SERVICE: Pursuant to Local Rule debtors certifies that copy of this motion has been served by regular US mail on this same date to: Chapter 13 Trustee, US Trustee's Office, and to all creditors and attorneys in record, and are hereby notified that unless an opposition to this motion is submitted in writing within (21) days from the date appearing in the certificate of service, infra, the Court may grant this motion without the need of an actual hearing. Pursuant to Fed. Rule Bank. P. 9006 (f) if you were served by mail, you have (3) three additional days to respond.

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If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFY: I hereby certify that copy of this motion to Alejandro Oliveras, Trustee; and to all creditors and parties in interest.

In Coamo, Puerto Rico, this 8 day of July 2013.

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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 12-01863

GONZALEZ RIVERA, CARLOS ALBERTO

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION		<input checked="" type="checkbox"/> AMENDED PLAN DATED: 7/08/2013 Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
I. PAYMENT PLAN SCHEDULE <div style="display: flex; justify-content: space-between;"> \$ 250.00 x 60 = \$ 15,000.00 </div> <div style="display: flex; justify-content: space-between;"> \$ _____ x _____ = \$ _____ </div> <div style="display: flex; justify-content: space-between;"> \$ _____ x _____ = \$ _____ </div> <div style="display: flex; justify-content: space-between;"> \$ _____ x _____ = \$ _____ </div> <div style="display: flex; justify-content: space-between;"> \$ _____ x _____ = \$ _____ </div> <div style="text-align: right; margin-top: 10px;"> TOTAL: \$ <u>15,000.00</u> </div> <p style="margin-top: 10px;">Additional Payments: \$ <u>93,000.00</u> to be paid as a LUMP SUM within <u>36 months</u> with proceeds to come from:</p> <p><input checked="" type="checkbox"/> Sale of Property identified as follows: 10 CUERDAS AT BO RONCADOR, UTUADO PR (36 MONTHS BEGIN AFTER CONFIRMATION OF PLAN)</p> <p><input type="checkbox"/> Other: _____</p> <p style="text-align: center; margin-top: 20px;">BEGINNING APRIL 30, 2014</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ <u>10,000.00</u> x <u>4</u> = \$ <u>40,000.00</u></p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 5px;"> PROPOSED BASE: \$ <u>148,000.00</u> </div>		II. DISBURSEMENT SCHEDULE A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> Cr. USDA (FSA) # <u>7</u> \$ <u>2,068.00</u> </div> <div style="width: 48%;"> Cr. USDA (FSA) # <u>8</u> \$ <u>62,469.00</u> </div> </div> 2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> Cr. CRIM # <u>9</u> \$ <u>776.27</u> </div> <div style="width: 48%;"> Cr. _____ # _____ \$ _____ </div> </div> 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> Cr. _____ # _____ \$ _____ </div> <div style="width: 48%;"> Cr. _____ # _____ \$ _____ </div> </div> 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: 5. <input type="checkbox"/> Other: _____ 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <div style="display: flex; justify-content: space-between;"> USDA (FSA) USDA (FSA) A.S.U.M.E </div> 	
III. ATTORNEY'S FEES (Treated as § 507 Priorities) Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,000.00</u> ADDITIONAL ATTORNEY FEES: \$ <u>300.00</u>		C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> Cr. _____ # _____ \$ _____ </div> <div style="width: 48%;"> Cr. _____ # _____ \$ _____ </div> </div>	
Signed: <u>/s/ CARLOS ALBERTO GONZALEZ RIVEI</u> Debtor <div style="border-top: 1px solid black; margin-top: 20px; padding-top: 5px;"> Joint Debtor </div>		2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: <i>(Executory contracts; payment of interest to unsecureds, etc.)</i> ANY POST PETITION INCOME TAX REFUND THAT THE DEBTOR(S) WOULD BE ENTITLED TO RECEIVE DURING THE TERM OF THE PLAN WILL BE USED TO FUND THIS PLAN. AFTER ITS CONFIRMATION, AND WITHOUT FURTHER NOTICE, HEARING OR COURT ORDER, THE PLAN SHALL BE DEEMED MODIFIED BY THE INCREMENT(S) TO ITS BASE, IN AN AMOUNT EQUAL TO THE AMOUNT OF EACH INCOME TAX REFUND. FOUR ANNUAL PAYMENTS OF \$10,000.00 EACH WILL COME FROM SALE OF CITRUS (ORANGES) DEBTOR WILL UTILIZE HIS HOMESTEAD EXEMPTION, IF NECESSARY TO MAKE THE LUMP SUM FEASIBLE.	

Attorney for Debtor **Jorge R. Collazo Sanchez**

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